

49 CFR Parts 172, 173, 176, 177, and 178

[Docket No. HM-189C; Amdt. Nos. 172-101, 173-192, 176-23, 177-67, 178-85]

Editorial Corrections and Clarifications

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: The purpose of these amendments to the Hazardous Materials Regulations (HMR) is to correct certain editorial errors, and to make minor regulatory changes which will not impose any new requirements on persons subject to the HMR.

EFFECTIVE DATE: October 30, 1985.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: In its maintenance of the HMR, MTB performs an annual review of the regulations to detect errors which may be causing confusion to users. Inaccuracies detected in Title 49, Code of Federal Regulations (CFR), Parts 100-199, revised as of November 1, 1984, include incorrect references to other rules and regulations in the CFR, and misstatements of certain regulatory requirements. Also, in response to inquiries which MTB received concerning the clarity of particular requirements specified in the HMR, changes are made which should reduce uncertainties.

Since these amendments do not impose new requirements, notice and public procedure thereon are unnecessary. For the same reason, these amendments are effective without the customary 30 day delay following publication. This will allow the changes to appear in the next revision of 49 CFR.

The MTB has determined that this rule, as promulgated, is not a major rule under the terms of Executive Order 12291 or significant under DOT implementing procedures (44 FR 11034). A final regulatory evaluation and environmental assessment was not prepared as these amendments are not substantive changes to the HMR.

Based on limited information available concerning the size and nature of entities likely to be affected by these amendments, I certify that these amendments will not, as promulgated, have a significant economic impact on a substantial number of small entities.

The following is a section-by-section summary of the amendments.

Section 172.101. Three entries in the § 172.101 Hazardous Materials Table are revised as follows:

"Motor, internal combustion" is changed from Roman type to italics. It is not a proper shipping name and appeared in italics in editions of 49 CFR issued prior to December 31, 1976.

"Compound, polishing, liquid" is corrected by changing the section reference from "173.129" to "173.119" in column (5)(b).

"Cyclopropane" is corrected by adding the plus (+) symbol in column (1), as is done for all other specified named flammable gases.

"Coal, ground bituminous, sea, coal, coal facings, etc." is revised to read "Coal, ground bituminous, sea coal, or coal facings". The "etc." is misleading as there are no other types of coal addressed by the entry.

Section 172.203. The example of a shipping description in the last sentence in § 172.203(i)(2)(ii) is changed to show the word "Poison" to reflect the provisions of § 173.203(k)(2) for identifying poisons.

Part 173 table of contents. The table of contents entry for § 173.134 is revised by changing "pyrophoric" to "pyroferic".

Section 173.2. The reference to 42 CFR 72.25(c) is corrected to read "49 CFR 72.3".

Section 173.119. In paragraph (m)(19), "§ 178.1" is corrected to read "§ 178.19".

Section 173.166. In paragraph (a)(3), "Spec. 14A" is corrected to read "Spec. 15A".

Section 173.193. In paragraph (a)(1) the reference "173.65(e)" is corrected to read "173.65".

Section 173.206. Obsolete section references in paragraph (a)(12) are corrected to read "§ 173.416 or 173.417(b)".

Section 173.315. In the table in paragraph (a)(1), the entry for "hexafluoro-propylene" is changed to read "See Note 7" in the third column and "DOT-51, MC-330, MC-331" in the fourth column. The erroneous references occurred when certain entries were inserted into the table immediately preceding Hexafluoro-propylene.

Section 176.700. A statement is added at the end of the section to display appropriate OMB control numbers for information collection requirements contained in paragraph (d).

Section 177.840. In paragraph (f) the word "checked" is corrected to read "unchecked".

Part 177, Subpart C. The title to Subpart C is corrected to read "Subpart C—Segregation and Separation Chart of

Hazardous Materials" to be consistent with the name of the chart.

Section 177.848. The section title is corrected to read "Segregation and separation chart of hazardous materials." to be consistent with the name of the chart.

Section 176.44-17. The superscript "1" after the word cylinder is removed, as it serves no purpose.

Section 178.205-18. The table in paragraph (a) is rearranged to clarify which board strengths correspond to each listed authorized gross weight.

Section 178.209-11. Paragraph (b) is revised to read "Authorized gross weight is 65 pounds." to correct an obsolete reference to § 173.66(g)(1).

Section 178.252-3. The section reference in paragraph (a) is corrected to read "§ 178.251-5(a)".

List of Subjects

49 CFR Part 172

Hazardous materials transportation, Labeling, Packaging and containers.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers.

49 CFR Part 176

Hazardous materials transportation, Maritime carriers.

49 CFR Part 177

Hazardous materials transportation, Motor carriers.

49 CFR Part 178

Hazardous materials transportation, Packaging and containers.

In consideration of the foregoing, 49 CFR Parts 172, 173, 176, 177 and 178 are amended as follows:

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. The authority citation for Part 172 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1808; 49 CFR 1.53, unless otherwise noted.

§ 172.101 [Amended]

2. In the § 172.101 Hazardous Materials Table:

a. The entry "Motor, internal combustion" is revised from Roman type to italics.

b. For the entry "Compound, polishing, liquid" the column (5)(b) section reference is revised to read "173.119".

c. For the entry "Cyclopropane" the plus "+" symbol is added in column (1).

d. The proper shipping name "Coal, ground bituminous, sea coal, coal facings, etc." is revised to read "Coal, ground bituminous, sea coal or coal facings".

§ 172.203 [Amended]

3. In § 172.203(i)(2)(ii), the last sentence is revised to read: "For example: 'Carbamate pesticide, liquid, n.o.s. (contains Xylene), Flammable liquid, UN 2758, Poison.'"

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

4. The authority citation for Part 173 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1808; 49 CFR 1.53, unless otherwise noted.

5. In the table of contents to Part 173, for § 173.134 the word "Pyrophoric" is corrected to read "Pyroferic".

§ 173.2 [Amended]

6. In § 173.2(b)(3), the reference "42 CFR 72.25(c)" is revised to read "42 CFR 72.3".

§ 173.119 [Amended]

7. In § 173.119(m)(19), the reference "§ 178.1" is revised to read "§ 178.19".

§ 173.166 [Amended]

8. In § 173.166(a)(3), the term "14A" is revised to read "15A".

§ 173.193 [Amended]

9. In § 173.193(a)(1), the reference "§ 173.65(e)" is revised to read "173.65".

§ 173.206 [Amended]

10. In § 173.206(a)(12), the phrase "§§ 173.394 (b) or (c), § 173.395 (b) or (c), or § 173.396 (b) or (c)." is removed and the phrase "§ 173.416 or § 173.417(b)." is substituted in its place.

§ 173.315 [Amended]

11. In the table in § 173.315(a)(1), the entry for "Hexafluoropropylene" is amended as follows:

a. In the column captioned "Percent by volume", "do" is removed and "See Note 7" is inserted in its place.

b. In the column captioned "Type", "do" is removed and "DOT-51, MC-330, MC-331" is inserted in its place.

PART 176—CARRIAGE BY VESSEL

12. The authority citation for Part 176 is revised to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1808; 49 CFR 1.53, unless otherwise noted.

§ 176.700 [Amended]

13. The following statement is added at the end of § 176.700:

The information collection requirements in paragraph (d) were approved by the Office of Management and Budget under control numbers 2147-0534, 2147-0535 and 2147-0536.

PART 177—CARRIAGE BY PUBLIC HIGHWAY

14. The authority citation for Part 177 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1808; 49 CFR 1.53.

§ 177.840 [Amended]

15. In § 177.840(f), the word "checked" is revised to read "chocked".

16. The title of Subpart C of Part 177 is revised to read: "Subpart C—Segregation and Separation Chart of Hazardous Materials".

§ 178.848 [Amended]

17. The title of § 178.848 is revised to

read: "§ 178.848 Segregation and separation chart of hazardous materials".

PART 178—SHIPPING CONTAINER SPECIFICATIONS

18. The authority for Part 178 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1808; 49 CFR 1.53, unless otherwise noted.

§ 178.44-17 [Amended]

19. In § 178.44-17, the superscript "1", which appears after the word "cylinder" in the first sentence, is removed.

20. The table in § 178.205-16, paragraph (a), is revised as follows:

§ 178.205-16 Authorized gross weight and parts required.

(a) Authorized gross weight (when packed) and parts required as follows:

Authorized gross weight (pounds)	Strength of fiberboard (minimum) Mullen or Cady test						
	Solid board			Doublefaced corrugated		Doublewall corrugated	
	Box	Lining ²	Heads ¹	Box	Lining ²	Box	Lining ²
15	175	—	(³)	175	—	200	—
30	200	—	275	200	—	200	—
40	275	—	350	275	—	200	—
	—	—	200	175	—	—	—
55	325	—	(³)	325	—	275	—
65 ⁴	375	—	(³)	375	—	—	—
	—	—	—	275	175	275	—
	275	175	350	200	200	—	—

¹ For recessed heads when used. In other cases same as for box.

² As prescribed in § 178.205-15. A complete box is acceptable in place of the lining.

³ Recessed heads not authorized in any case.

⁴ Except as otherwise authorized herein or by Part 173 of this chapter.

21. § 178.209-11, paragraph (b) is revised to read as follows:

§ 178.209-11 Authorized gross weight and parts required.

(a) * * *

(b) Authorized gross weight is 65 pounds.

§ 178.252-3 [Amended]

22. In § 178.252-3, the section reference "§ 178.252-5(a)" in the introductory text of paragraph (a) is revised to read "§ 178.251-5(a)".

Issued in Washington, DC on October 8, 1985 under the authority delegated in 49 CFR Part 1, Appendix A.

M. Cynthia Douglass,

Acting Director, Materials Transportation Bureau.

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